

2161

PATENT

Customer No. 22,852  
Attorney Docket No. 6556.0003-03

#9

12-19-02  
CL

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
John POLK ) Group Art Unit: 2161  
Application No.: 09/973,865 ) Examiner: Not yet assigned  
Filed: October 11, 2001 )  
For: METHOD AND APPARATUS FOR )  
CHILD SUPPORT PAYMENT )  
PROCESSING AND CHILD SUPPORT )  
DISBURSEMENT PROCESSING )

Commissioner for Patents  
Washington, DC 20231

Sir:

**TRANSMITTAL LETTER**

Enclosed are a Supplemental Notice of Related Litigation and a Supplemental Information Disclosure Statement Under 37 C.F.R. § 1.97(b).

Please grant any extensions of time required to enter these documents and charge any additional required fees to our deposit account 06-0916.

Dated: December 12, 2002

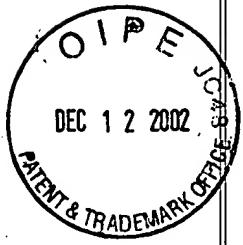
By: 

Robert E. Converse, Jr.  
Reg. No. 27,432

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PATENT  
Customer No. 22,852  
Attorney Docket No. 06556.0003-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
John POLK ) Group Art Unit: 2161  
Application No.: 09/973,865 ) Examiner: Unknown  
Filed: October 11, 2001 )  
For: METHOD AND APPARATUS FOR CHILD )  
SUPPORT PAYMENT PROCESSING )  
AND CHILD SUPPORT DISBURSEMENT )  
PROCESSING )

Commissioner for Patents  
Washington, DC 20231

Sir:

**SUPPLEMENTAL NOTICE OF RELATED LITIGATION**

In accordance with 37 C.F.R. § 1.56, as clarified by § 2001.06(c) of the Manual of Patent Examining Procedure, Applicants have notified the Examiner that U.S. Patent No. 6,119,107 ("the '107 patent") and U.S. Patent No. 5,946,669 ("the '669 patent") are the subject of a litigation in the United States District Court for the District of Minnesota (Civ. Action No. 02-CV-1321 DWF/SRN) between Plaintiff Pay Child Support Online Inc and Defendant ACS State & Local Solutions, Inc.

In particular, Applicants filed a Notice of Related Litigation on September 20, 2002 with copies of Plaintiff's Complaint and Defendant ACS State & Local Solutions, Inc.'s Answer and Counterclaim. The copy of Plaintiff's Complaint contained an Exhibit F that was unintentionally missing some pages. To correct this, Applicants filed a

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second Notice of Related Litigation on October 11, 2002 with a complete copy of Exhibit F to the Plaintiff's Complaint. In an Information Disclosure Statement filed concurrently herewith, Applicants include copies of Plaintiff's Complaint and Defendant ACS State & Local Solutions, Inc.'s Answer and Counterclaim listed on a PTO form 1449 for the Examiner's express consideration.

By this Supplemental Notice of Related Litigation, Applicants now notify the Examiner of continuing developments in the ongoing litigation. Specifically, Plaintiff (joined by a Counter-Defendant) moved to dismiss Defendant's counterclaims, alleging among other things that the '107 and '669 patents are invalid under 35 U.S.C. § 102 and/or § 103 and unenforceable due to inequitable conduct. Plaintiff's allegations and comments are set forth in Plaintiff's Memorandum in Support of Plaintiff and Counter-Defendant's Motion to Dismiss, which is included in the Information Disclosure Statement filed concurrently herewith.

Defendant responded to these allegations, arguing that no basis exists for dismissing Defendant's counterclaims, including that there was no basis for the allegations of invalidity under 35 U.S.C. § 102 and/or § 103, and that there was no basis for the allegations of unenforceability due to inequitable conduct. Defendant ACS State & Local Solutions, Inc.'s Opposition to the Motion to Dismiss of Pay Child Support Online Inc and Daniel J. King is included in the Information Disclosure Statement filed concurrently herewith.

In a ruling on Plaintiff's and Counter-Defendant's Motion to Dismiss, the District Court denied the motion because, *inter alia*, the alleged invalidity of the '107 and '669 patents is not a fact that may be established for the purposes of a motion to dismiss.

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The court's Memorandum Opinion and Order is included in the Information Disclosure Statement filed concurrently herewith.

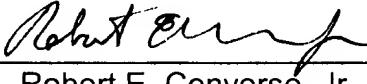
Applicants will continue to keep the PTO informed of further developments in this litigation.

If there is any fee due in connection with the filing of this Notice, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: December 12, 2002

By:   
Robert E. Converse, Jr.  
Reg. No. 27,432

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John POLK ) Group Art Unit: 2161  
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PROCESSING )

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SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application. Copies of the listed documents are attached.

In a Supplemental Notice of Related Litigation filed concurrently herewith, Applicants notify Examiner of continuing developments in a litigation in the United States District Court for the District of Minnesota (Civ. Action No. 02-CV-1321 DWF/SRN) between Plaintiff Pay Child Support Online Inc and Defendant ACS State &

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Local Solutions, Inc. This Information Disclosure Statement includes copies of five pleadings that have been filed in this litigation for the Examiner's consideration.

One of the listed documents, the Complaint Seeking Declaratory Judgement Under Title 35 of US Code, refers to Exhibits C - J (see Complaint, pages 9-10). The Examiner will note that the Information Disclosure Statement filed on September 20, 2002 included Exhibits C-J, although Exhibit F was incomplete as filed. A complete copy of Exhibit F was filed in the Information Disclosure Statement filed on October 11, 2002.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicants determine that the cited document do not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

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If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

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